IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 11456 of 2005

Between:

Smt. R. Jyothirmayi W/o. Nayak R.B. Rao
R/o. H.No.3-552, Jayanagar Colony Ballepalli Village
Urban Mandal Khammam District.

..... PETITIONER

AND

1 The Chief of the Army Staff Sena Bhavan, Adj. to Generals Branch
Army Headquarters, R.K.Puram Hq.P.O., New Delhi
2 The General Office Commanding in Chief (GOC in Chief), Eastern

Commanding C/o.99, A.P.O., Gowhathi, Assam.
3 Colonel Records E.M.E. Records
Tirumalagiri Secunderabad.
4 Nayak R.B. Rao No. 7004, EME C/o. 99 APO
O/o. GOC in Chief Eastern Zone, Gowhathi Assam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of mandamus declaring the inaction of the respondents 1 to 3 in considering the representation dated 18-4-2005 of the petitioner and passing appropriate orders on it illegal, irregular, arbitrary, unreasonable, unjustified and unsustainable.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner, who is stated to be the wife of the 4th respondent, who is working in the Army under the respondents 1 and 2. It is stated that as the petitioner is being harassed and neglected to maintain by the 4th respondent, she filed proceedings under Section 498-A IPC. Further, as no maintenance is being paid to the petitioner and her two children born through the 4th respondent, the petitioner made a representation to the 1st respondent apprehending that the 4th respondent may take voluntary retirement and receive all the terminal benefits, in which case the petitioner may not be in a position to get any maintenance either to herself or to her children. Therefore, a representation for providing maintenance out of the payments received or receivable by the 4th respondent. But the respondents did not consider the said representation. Hence, the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. In view of the representation already made by the petitioner on 18-04-2005, the respondents are directed to consider the said representation and pass appropriate orders, expeditiously, before passing any orders in the case of 4th respondent, if he opts for voluntary retirement or retirement.

4. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

23rd June, 2005

SKM

To

1 The Chief of the Army Staff Sena Bhavan, Adj. to Generals Branch
Army Headquarters, R.K.Puram Hq.P.O., New Delhi
2 The General Office Commanding in Chief (GOC in Chief), Eastern

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4 Two CD copies

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